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ABSTRACT

Faculty members, as their organization's parliamentarians, must exercise appropriately their own rights as members of the organization as well as maintain loyalty to their role as parliamentarian. Add to this dilemma parliamentary indifference, and a "politics as usual" attitude and the outcome of any parliamentary session is in doubt. Such situations liken the role of the parliamentarian to that of a gambler with a deck of cards. The university parliamentarian needs to learn to "play it right," needs to know when to "hold them" against conspiracies of silence and when to "hold them" against parliamentary ignorance. The parliamentarian also needs to "play it right" by knowing when to "fold them." By knowing when to "walk away," the parliamentarian recognizes a "no win" circumstance for what it is and maintains his or her poise and credibility in hopes of a better hand another day. Sometimes, the only way to "play it right" is to run. (A series of campus parliamentary problems illustrate the role of the parliamentarian as a gambler.) (HOD)

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THE UNIVERSITY PARLIAMENTARIAN AS A GAMBLER

By Donald L. Wolfarth, C.P.

The faculty member as his organization's parliamentarian can provide one of the most nimble tightrope walking acts in all of higher education. There is risk if not hazard in any dilemma. The member as parliamentarian of his own assembly must appropriately exercise his own rights as member as well as maintain loyalty to his role as parliamentarian.

To this dilemma add a sea of parliamentary ignorance and an atmosphere of parliamentary indifference plus politics as usual and the outcome of any parliamentary session is in doubt. At best I see an analogy with the gambler. You will win some and you will lose some.

The Gambler, with words and music by Don Schlitz (Footnote #1) and greatly popularized by Kenny Rodgers, leads into the Chorus with the line, MATERIAL REMOVED DUE TO COPYRIGHT RESTRICTIONS

CHORUS

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The university parliamentarian needs to learn "to play it right." He needs to know when to hold 'em to correct procedure, hold 'em against conspiracies of silence and when to hold 'em

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against parliamentary ignorance. But also he needs to play it right by knowing "when to fold 'em." Never forget that a majority of the ignorant or indifferent can invalidate the most honest, accurate and appropriate advice a parliamentarian can give. By knowing "when to walk away" the parliamentarian recognizes a "no win" circumstance for what it is and maintains his poise and credibility in hopes of a better hand another day. And sometimes the only way to "play it right" is "to run." Here we reflect upon the words of Viscount Snowden in 1932 as reported in the June 16, 1974 edition of the New York Times and cited in the Parliamentary Journal in January, 1975.

> I can no longer without all loss of self-respect remain a member of a government which is pursuing a policy which, I believe, is disastrous to the welfare of the country.
> (Footnote #2)

As lawyers withdraw from clients whom they are unable to help for any of a number of reasons, so the parliamentarian must "know when to run."

The plan of this paper is to review a series of instances of campus parliamentary problems in which the parliamentarian as gambler must decide when to "hold 'em", when to "fold 'em", when to "walk away", and "when to run."

WHEN TO HOLD 'EM

A special meeting of the local chapter of a national scholastic honor society had convened for the specific purpose of acting on

proposed amendments to the bylaws of the local chapter. Members were slow to arrive. Five minutes after the announced time for the meeting, the gathered members constituted three fewer than the quorum. Fortunately, the parliamentarian had conferred with the chairman and had reviewed the implications of action on the bylaws in the absence of a quorum. Appropriately, the chairman called the meeting to order and announced the problem of the absence of a quorum.

Immediately a member arose, addressed the Chair and declared, "I heard that you can move to dispense with the requirement of a quorum." Another member quickly enjoined, "I think it's an old sailor's code of procedure which says that a quorum is unnecessary unless someone calls for it--so let's just proceed."

All eyes now fall upon the parliamentarian including those of the chairman who requests a clarification. What's on the line in this game for the gambler? Clearly he would make most of his friends and fellow members very happy by ignoring the problem of the quorum. But to play dumb, not only would his credibility collapse, but also that former parliamentary procedure student sitting across the table would hear a teacher with a forked tongue. In this game the gambler must "know when to hold 'em." But he can also suggest an informal social gathering upon adjournment to develop some consensus on the proposed bylaws.

Dr. Neher reminds us that "The faculty parliamentarian is a full member of the assembly he is advising. He takes part in debates and, from time to time, faculty politics." (Footnote #3)

And from time to time he may expect to be misunderstood. Does the parliamentarian's point of order carry more weight than those of other members? Clearly not, but to those whose ox is being gored it may surely seem so.

The following university student newspaper editorial mirrors this concern:

> A N D W E W O N D E R . . .
>
> Researching the forthcoming Faculty Senate vote on the general studies proposal, and afterthoughts on the recent vote on 4-1-4 by the faculty, cause us to wonder:
>
> . Should the parlamentarian (sic) of the faculty also be a voting member of the body, or should he be a "neutral" person?

Although the misspelling probably testifies to the mood of lamentation and disappointment of the editor, the concern is both real and understandable.

It is clearly implied that at least the editorial writer found the parliamentarian not to be "neutral"; furthermore, there is the suggestion that the writer may have seen bias. Is the parliamentarian's role thereby invalid? The university parliamentarian gambles not only with faculty colleagues and administrators, but here we see pretty good cards held by students. Hold 'em!

The other voice on the parliamentarian's phone beseechingly complained, "What can you do with a guy like that?" The "guy" was a member of a faculty personnel committee where recommendations on rehiring were made. The irksome behavior of the member in question was his tendency to abstain when the recommendation vote was taken. The caller was convinced that such behavior was reprehensible and that some strong parliamentary corrective medicine was indicated. Members of the committee had even moved to reconsider the vote to give the errant member a chance to redeem himself from his tasteless abstention, but to no avail. The voice pleaded, "Surely it is the duty of all members to vote when a committee has so few as five members." Then followed the caller's recommendation for the parliamentarian's approval. Since the majority were of a common mind, couldn't they move to deny members the right to abstain?

The parliamentarian knew well how weak faculty governance can look when faculty committees, sometimes awash with evidence of all kinds from several sources, seem unable to clearly vote the recommendation up or down. Administrators have deplored the wishy-washy committee decision making when votes go forward reflecting one or more members abstaining. How about it university parliamentarian, doesn't the majority rule? Again, the gambler must know when to "hold 'em." Rights of the majority are important. Members of committees have a duty to participate. But the RIGHT of a member to abstain, though despised and deplored, may not be abridged or denied.

WHEN TO FOLD 'EM

Section E. (Meetings:) of the Constitution of the University Faculty clearly intones that "Written notice of the time, place and agenda of all University Faculty meetings shall be given to each faculty member at least 48 hours in advance of such meetings." Notice of time and place had been listed on a weekly schedule. But the specific agenda for the meeting was handed to the members as they entered the meeting hall. And to the dismay of many, among the surprise items on the agenda was a highly controversial proposal unresolved from meetings more than three months earlier.

The gambler knew he'd been dealt a weak hand considering the festive mood of the faculty and that the presiding officer was the acting president of the University. But there was a game to play. The parliamentarian arose, addressed the chair, called a point of order, cited the pertinent words concerning the 48-hour advance notice for the agenda and asked the question, "By whose authority is this agenda before us?"

Now it was time for the presiding officer to be dismayed. He seemed visibly shaken as alternating hushes and murmurs flowed over the hall. Not even his political science background was providing much solace. At length, with the blush of embarrassment, if not chagrin, he replied, "Oh, I don't know." This painful candor won the loyalty of most of the house and the meeting proceeded. With no ruling to appeal and clearly out-aced by the assembly, the gambler must "know when to fold 'em." But it should be added that subsequently, agenda regularly met the 48-hour requirement.

Among the faculty personnel rules for promotion was this clearly worded sentence: "Only promotion committees with three or more members shall formally organize and recommend." Even before deliberation had begun in the three-member full professor promotion committee, one member offered his letter of resignation and left the committee.

Blissfully ignoring their non-committee status, the two remaining members proceeded to meet and at length submitted not only one but two names of faculty colleagues for promotion. A series of administrators happily accepted the invalid recommendations and after some horse-trading and the elapsing of some five months, the name of one faculty colleague was announced as promoted. A prompt protest of the promotion based upon the invalid initiating recommendation brought a delayed response from a highly placed administrator noting that the two professors were "a majority of the committee" and that the third member merely "refused to carry out (his) responsibility." With that kind of logic in high places, a university parliamentarian gambles with a marked deck.

Now it was time for the administrators to cover their tracks. A "faculty" committee, dominated by the very administrators who had forwarded the invalid recommendation, set about to "correct" the promotion procedures. And what did they come up with to slide past a compliant Faculty Senate?

> Each eligible faculty member has a responsibility to serve on appropriate promotion committee(s) and there is no provision for resignation from these committees.

There isn't much for the gambler to do but to "fold 'em." However, the parliamentarian should remember his mission to educate the principals in this case with the citing of some common parliamentary law. Henry M. Robert states without equivocation, on page 332 of Parliamentary Law, what any schoolboy would understand:

> No one can be made a member or officer of a society, or a member of a committee, without his consent, either expressed or implied, unless such service is made obligatory by the bylaws. After he has accepted membership or office, he has the right to resign. . .

Robert Kennedy reminds us that, "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope."

WHEN TO WALK AWAY

It was somewhat unusual to have a middle-aged couple enroll in my parliamentary procedure course. More unusual still were their late enrollment and their somewhat irregular attendance. It became increasingly clear that this couple was motivated by some special agenda which was only tangentially related to the course of instruction.

Then it happened. After class one day the woman of the couple disclosed her need for assistance in the revising of bylaws for a tribal council. Pleased to see this genuine interest in at least one phase of the course, I asked that she bring a copy of the existing bylaws for my study. This she promptly did.

The document was in generally good form. Minor corrections and suggestions were quite easily made. But then came the article dealing with meetings. Included in this article was the provision for the use of hallucinatory drugs as communal exercises during many of the meetings.

How shall the parliamentarian respond to bylaw provisions calling for the use of a controlled substance? Any response must be carefully weighed and applied. It would be easiest to simply declare the inappropriateness of such material in a council's bylaws. But inappropriate to whom? Who is to judge another's cultural or ethnic practice? The gambler may not lose, but I don't think he will win either. The gambler will counsel the council's representatives with a caveat as he circles from the table. Certainly there is a potential legal problem with anyone's use of a controlled substance. There is even more danger when such practice seems to be mandated or obligatory. Also, such activities are not usual nor necessary for a society's bylaws. And were they my bylaws, I would not include mention of any controlled substance. However, this is to be the council's bylaws which "has important bearing on the rights and duties of members" (Endnote #4) and

providing there is a full understanding of my concerns for them, the final decision to include the reference to the use of drugs must be that of the tribal council.

One of the more frivolous exercises in frustration may occur when an academic department raises the issue of a departmental name change. The name SPEECH has for several generations subsumed a wide variety of specific communication activities. But as surely as faculty affiliate and disaffiliate, advocates for change will arise.

The proposal before the assembly of departmental members was to modify the title, "Speech" by adding the word "Communication." The majority prevailed. But there was yet to be another amendment. It was moved to amend "Speech Communication" by striking out the word, "Speech" and by adding the words, "and Theatre Arts." A second was quickly offered for this parliamentarily bankrupt amendment. The parliamentarian promptly called a point of order noting that the double headed amendment was out of order. Graced with less than a modicum of parliamentary sophistication, the presiding officer ruled the point of order as dilatory and not well taken. The effort to appeal could not even muster a second. Meaningless debate continued on the double headed amendment which was passed with a substantial majority.

The gambler can walk away from this no-win game confident that where he could not win, others shall win for him. For how far up the approval pipeline will the new name, "Communication and Theatre Arts", flow? Only as far as the Senate's standing

committee on academic policies. Here the new name will come under a withering fire from representatives of the English and journalism departments who will view with shock and alarm that "Speech" is not only trying to move up on the alphabetical listing of departments but, horror of horrors, is presuming to be the only department addressing the concerns of communication. The name of the speech department will remain "Speech." The words of Calvin Coolidge are apropos: "I sometimes wish that people would put a little more emphasis upon observance of the law than they do upon its enforcement."

WHEN TO RUN

A special meeting of the Faculty Senate had been convened for the singular purpose of obtaining the position of the Faculty Senate on the highly controversial issue of pursuing efforts to establish an Army ROTC unit on campus. Emotions ran high; the issue had been bouncing about the campus for several years with strong advocates and equally determined detractors. It was time for the faculty to complete its recommendation.

The parliamentarian had aided in drawing up some special rules for this meeting which called for a 15-minute question and answer period followed by debate on the resolution limited to one hour, in which proponents and opponents were to be recognized alternately as nearly as possible with no member speaking more than three minutes at one time. The hour of debate was to be

concluded with a roll call vote of the senators. These rules were approved without dissent.

On behalf of the executive committee, the following resolution was moved:

> The Faculty Senate recommends that the Administration pursue the efforts to establish an Army ROTC unit on this campus with the provision that the Faculty Senate shall have the opportunity to approve the final details.

Suggesting an early polarization of sentiment, the question and answer period was quite short and the debate on the resolution began. Less than ten minutes into debate, a senator arose to offer what he termed "an amendment of substitution":

> Whereas, the Faculty more than one year ago voted against introduction of ROTC on this University campus, and
>
> Whereas, The Student Senate more than two years ago voted against introduction of ROTC, and
>
> Whereas, The Faculty Senate does not wish to overrule the action of the Faculty of this institution without the opportunity of a full and thorough examination of all issues involved;
>
> Resolved, That the Faculty Senate respectfully request the Administration to inform the proper authorities that no new action on the issue of ROTC will be taken by this body except in the

> context of a full and thorough examination of this important issue, not possible within the establishment of an early deadline; and
>
> Resolved, That the Administration request the proper authorities that the introduction of an ROTC program not be undertaken on this campus as long as it is being opposed by Faculty and student government, as is presently the case.

Following the seconding of this neanderthalian monstrosity which was presented orally from a scrap of paper, thus preventing most of the members from fully understanding it, an expectant hush fell over the assembly. Unfortunately, it began to appear as though the presiding officer was about to accept this new resolution as a bona fide amendment. The fact that the maker of the "amendment" was a departmental colleague perhaps aided the chair's misperception. Because the other senators were sitting on their hands, it fell to the senator-parliamentarian to raise the point of order suggesting that the member's "amendment" was a new resolution, no amendment at all, and was therefore out of order.

The chair wasn't convinced. His departmental colleague was incensed. The parliamentarian was losing ground. The father of the "amendment" began to wave a paperback of Rules of Order (Footnote #5), insisting that the paperback validated his motion. Now it was time for equivocation; the motion maker now maintained that what he had really moved was a substitute motion which his paperback fully documented. Patiently, the parliamentarian explained

the difference between resolutions and valid amendments and emphasized that the essential thrust of the new motion was a simple negation of the resolution with which the meeting began. And the negation of the original resolution would most easily be accomplished by voting against that original resolution. Apparently convinced, the chair ruled the substitute amendment out of order.

Debate on the original resolution continued. Soon the hour for debate had almost elapsed. Suddenly the paperback waver was again on his feet and once again moved his substitute amendment which was promptly seconded. The senator-parliamentarian reapplied his point of order suggesting that his earlier reasoning still applied, that an assembly should not be asked to entertain a second time a motion earlier declared out of order and that the time had come under the rules of the meeting for the roll call vote on the original resolution.

But the chair was apparently committed to his departmental crony and ruled the substitute amendment in order further urging, as though in compromise, that the debate be "kept short." The meeting disintegrated into vain procedural efforts. A roll call vote on the original resolution was never taken. The parliamentarian resigned.

The gambler must know when to run. The most tactful, knowledgeable advisor is no match for the dishonest, duplicity of a presiding officer. Where there is no trust there can be no credibility. Carl Pitt reminds us that the significant factor in credibility is

"the degree of expertise and objectivity assigned by the listeners (underscoring mine), for it is they who assign credibility to others." (Footnote #6)

But it was not so much the loss of credibility that caused the gambler to run. In fact he was to receive numerous words of encouragement and support. Wrote one colleague:

> You were, of course, correct in your ruling--and in ignorance we failed to support you. To make matters even worse, I feel that you were definitely and distinctly abused by our chairman. I hope you will reconsider your determination to resign as parliamentarian. That would be one step further towards complete chaos in the Senate!

Resignation by a competent parliamentarian who is also a member of the assembly should be based on two preeminent claims. The first claim was illustrated above where the presiding officer doesn't necessarily want to run an honest meeting. Only a fool or a masochist should presume to honestly advise another who doesn't want that kind of advice. The second compelling reason for resignation comes when the parliamentarian-member recognizes that his rights as a member cannot be adequately safeguarded as the advisor of one who wittingly violates the rights of members. Members can much more successfully maintain their rights on the floor rather than at the right hand of the chair. It is awkward, to say the least,

for the member-parliamentarian to raise points of order or move to appeal decisions of the chair. The more likely such remedies will be needed, the more important it will be for members to be independently on the floor.

It is easy to be sympathetic with the Sikkink and Jaksa position of "Giving the parliamentarian the right to become actively involved in procedure before a serious problem arises . . ." (Footnote #7) or with the Konstant call for the parliamentarians to be ACTIVE PARTICIPANTS as "combat parliamentarians." (Footnote #8) But as both these recommendations clearly imply, all is not well with our hit or miss system of securing presiding officers.

In the last analysis, the fundamental need is not resignation, but rather education and character training. The barbarians were successful over the Romans not because the Roman walls became low, but because the Roman people were low. Barbarians flourish in parliamentary sessions not because there is a lack of having correct procedure to follow, but because members, through ignorance or baseness, refuse to practice correct procedure. There must not only be correct procedure, but there must also be correct attitudes and values behind those procedures. Richard Morrill provides both an accurate and frightening assessment:

> . . . we are witnessing such provocative and continuing examples of contemporary moral confusion and distortion, that this abiding pattern of woe is only a weak comfort. Watergate is a sobering reality, but also a

> symbol of deception, broken faith, and distorted loyalties. The common good and public trust were pushed dully aside in the name of tribal pride and self protection. (Footnote #9)

Finally, there is much for us to do. Let us hope and work for the day when we will have pushed back the fences of parliamentary ignorance and the walls of parliamentary indifference. Perhaps in time the tightrope walking university parliamentarian may not need a safety net. Most important, let us all acknowledge that we all have a stake in whatever progress any of us makes.

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The University Parliamentarian as Gambler

Footnotes

1. Copyright 1978, Writer's Night Music (ASCAP), Nashville, Tennessee 37202

2. "Resignation in Protest: Is it Meaningful?" editorial in Parliamentary Journal, 16 (January, 1975), 30.

3. William W. Neher, "The Role of the University Faculty Parliamentarian," Parliamentary Journal, 20 (January, 1979), 26.

4. RONR, page 475.

5. Robert's Rules of Order, 1893 Edition with Modern Guide and Commentary. Pyramid Publications, Inc. 1976.

6. Carl Allen Pitt, "Credibility of the Parliamentarian," Parliamentary Journal, 16 (October, 1975), 19.

7. Donald E. Sikkink and James A. Jaksa, "A New Definition of the Parliamentarian's Duties," Parliamentary Journal, 16 (January, 1975), 12.

8. Eugene R. Konstant, "Combat Parliamentarians," Parliamentary Journal, 17 (January, 1976), 6.

9. Richard L. Morrill, Teaching Values in College (San Francisco: Jossey-Bass, Inc. 1980), p. 6.